

ORDINANCE NO. 980122-D

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

THREE TRACTS OF LAND, CONSISTING OF 11.448 ACRES OF LAND OUT OF THE H. T. DAVIS LEAGUE IN TRAVIS COUNTY, FROM "I-RR" INTERIM RURAL RESIDENCE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, AND "LI-CO" LIMITED INDUSTRIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED IN THE VICINITY OF U.S. HIGHWAY 290 EAST AND TUSCANY WAY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning districts and to establish a conditional overlay combining district on the property (the "Property") described in File C14-97-0111, as follows:

Tract 1: From "I-RR" Interim Rural Residence district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

1.411 acre tract of land out of the H.T. Davis League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2: From "I-RR" Interim Rural Residence district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

0.713 acre tract of land out of the H.T. Davis League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

Tract 3: From "I-RR" Interim Rural Residence district to "LI-CO" Limited Industrial Services district-Conditional Overlay combining district.

9.324 acre tract of land out of the H.T. Davis League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance,

locally known as the property located in the vicinity of U.S. Highway 290 East and Tuscany Way, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on February 2, 1998.

PASSED AND APPROVED

January 22, 1998.

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§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

FIELD NOTES FOR TRACT 1

1.411-ACRES

GO ZONING REQUEST

A Portion of the Proposed Lots 1, 2 and 3

290/Tucany Business Park

Page 1 of 1

EXHIBIT "A"

FIELD NOTES FOR A 1.411-ACRE TRACT OF LAND IN THE H.T. DAVIS LEAGUE IN TRAVIS COUNTY, TEXAS, BEING OUT OF THAT 14.5886-ACRE TRACT OF LAND CONVEYED TO JIM MATTOX, TRUSTEE, BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12866, AT PAGE 2069 OF THE TRAVIS COUNTY, TEXAS, REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for a point of reference, at an 3/8" diameter steel pin located at the northwest corner of the said 14.5886-acre tract of land, and being a point in the south right-of-way line of U.S. Highway 290, said pin also being the northeast corner of a 2.0-acre tract of land conveyed to Bill G. Kemnitz and recorded in Volume 8229, Page 993, of the Real Property Records of Travis County, Texas. Thence with the north property line of the said 14.5886-acre tract, also being the south right of way line of the said U.S. Highway 290, North 86-degrees 38-minutes East, 207.95-feet to a point. Thence into the interior of the 14.5886-acre tract, South 3-degrees 22-minutes East, 150-feet to the northwest corner hereof, and the POINT OF BEGINNING;

THENCE, along the north line hereof, North 86-degrees 38-minutes East, 510.54-feet to a point in the east line of the said 14.5886-acre tract, said east line also being the west line of a 4.71-acre tract of land owned by James T. Watson, of record in Volume 11499, Page 544 of the Real Property Records of Travis County, Texas, for the northeast corner hereof;

THENCE, along the east line hereof, also being the east line of the said 14.5886-acre tract and the west line of the said Watson tract, South 3-degrees 22-minutes East, 21.96-feet to an angle point in the said east line;

THENCE, continuing along the said east line, South 17-degrees 19-minutes 09-seconds West, 169.64-feet to a point at the southeast corner hereof;

THENCE, into the interior of the 14.5886-acre tract, along the south line hereof, North 75-degrees 39-minutes 46-seconds West, 263.07-feet to an angle point in the south line;

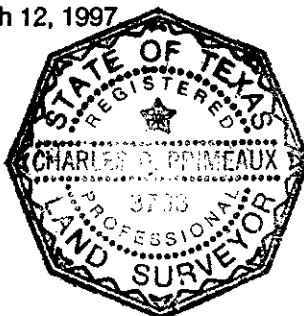
THENCE, continuing along the said south line, South 86-degrees 38-minutes West, 200-feet to a point for the southwest corner hereof;

THENCE, along the west line hereof, North 3-degrees 22-minutes West, 100.67-feet to the northwest corner hereof, and the POINT OF BEGINNING, and containing 1.411-acres of land, more or less.

As surveyed on the ground, March 12, 1997

Charles D. Primeaux
R.P.S. License No. 3763

Charles D. Primeaux



980122 D

FIELD NOTES FOR TRACT 2

0.713-ACRES

GO ZONING REQUEST

A Portion of the Proposed Lot 6,

290/Tucany Business Park

Page 1 of 1

EXHIBIT "B"

FIELD NOTES FOR A 0.713 TRACT OF LAND IN THE H.T. DAVIS LEAGUE IN TRAVIS COUNTY, TEXAS, BEING OUT OF THAT 14.5886-ACRE TRACT OF LAND CONVEYED TO JIM MATTOX, TRUSTEE, BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12866, AT PAGE 2069 OF THE TRAVIS COUNTY, TEXAS, REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for a point of reference, at an 3/8" diameter steel pin located at the northwest corner of the said 14.5886-acre tract of land, and being a point in the south right-of-way line of U.S. Highway 290, said pin also being the northeast corner of a 2.0-acre tract of land conveyed to Bill G. Kemnitz and recorded in Volume 8229, Page 993, of the Real Property Records of Travis County, Texas. Thence with the west property line of the said 14.5886-acre tract, also being the east line of the said Kemnitz tract, South 6-degrees 32-minutes 10-seconds West, 127.32-feet to a point for the northwest corner hereof, and the POINT OF BEGINNING;

THENCE, into the interior of the said 14.5886-acre tract, along the north line hereof, North 86-degrees 38-minutes East, 144.14-feet to a point for the northeast corner hereof;

THENCE, along the east line hereof, for the following three (3) courses:

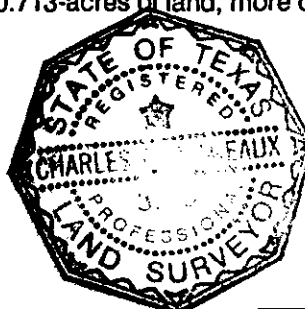
- (1) South 03-degrees 22-minutes East, 115.67-feet to the PC of a curve to the right,
- (2) Along a curve to the right, said curve having a central angle of 41-degrees 24-minutes 35-seconds, a radius of 45-feet, an arc length of 32.52-feet, and a chord which bears South 17-degrees 20-minutes 18-seconds West, 31.82-feet to the point of reverse curvature of a curve to the left,
- (3) Along a curve to the left, said curve having a central angle of 43-degrees 08-minutes 09-seconds, a radius of 75-feet, an arc length of 56.47-feet, and a chord which bears South 16-degrees 28-minutes 30-seconds West, 55.14-feet to the southeast corner hereof;

THENCE, along the west line hereof, said west line also being the west line of the said 14.5886-acre tract and an east line of a 66.359-acre tract owned by the Fred C. Morse Estate, of record in Volume 11109, Page 568 or the Real Property Records of Travis County, Texas, for the following two (2) courses:

- (1) North 28-degrees 30-minutes 49-seconds East, 77.57-feet, to a 3/4" Iron pipe found at an angle point hereof, said point being the southeast corner of the said Kemnitz tract and a re-entrant corner of the said Morse tract,
- (2) North 6-degrees 32-minutes 10-seconds East, 127.32-feet to the northwest corner hereof, and the POINT OF BEGINNING, and containing 0.713-acres of land, more or less.

As surveyed on the ground, March 12, 1997.
Charles D. Primeaux, R.P.S. License No. 3763

Charles D. Primeaux



980122-D

FIELD NOTES FOR TRACT 3
9.324-ACRES
LI ZONING REQUEST
Proposed Lots 4 and 5,
290/Tucany Business Park
Page 1 of 2

EXHIBIT "C"

FIELD NOTES FOR A 9.324-ACRE TRACT OF LAND IN THE H.T. DAVIS LEAGUE IN TRAVIS COUNTY, TEXAS, BEING OUT OF THAT 14.5886-ACRE TRACT OF LAND CONVEYED TO JIM MATTOX, TRUSTEE, BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12866, AT PAGE 2069 OF THE TRAVIS COUNTY, TEXAS, REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for a point of reference, at an 3/8" diameter steel pin located at the northwest corner of the said 14.5886-acre tract of land, and being a point in the south right-of-way line of U.S. Highway 290, said pin also being the northeast corner of a 2.0-acre tract of land conveyed to Bill G. Kemnitz and recorded in Volume 8229, Page 993, of the Real Property Records of Travis County, Texas. Thence with the west property line of the said 14.5886-acre tract, also being the east line of the said Kemnitz tract, South 6-degrees 32-minutes 10-seconds West, 279.59-feet, to a 3/4" diameter iron pipe found at the southeast corner of the said Kemnitz tract, and a re-entrant corner of a 66.359-acre tract owned by the Fred C. Morse Estate, of record in Volume 11109, Page 568 of the Real Property Records of Travis County, Texas. Thence, continuing along said west line of the said 14.5886-acre tract, also being an east line of the said Morse tract, South 28-degrees 30-minutes 49-seconds West, 77.57-feet to an iron pin found on the north bank of a drainage way for the northwest corner hereof, and the POINT OF BEGINNING hereof;

THENCE, along the west line hereof, also being the west line of the said 14.5886-acre tract and an east line of the said Morse tract for the following three (3) courses:

- (1) South 16-degrees 53-minutes 38-seconds West, 17.88-feet to a 1/2"- diameter steel pin found at the centerline of the said drainage way,
- (2) South 42-degrees 04-minutes 38-seconds West, 22.75-feet to a 1/2"- diameter steel pin found on the south bank of the said drainage way,
- (3) South 29-degrees 56-minutes 38-seconds West, 336.49-feet to a 1/2"- diameter steel pin found at the southwest corner hereof near a 10" diameter wood corner fence post, said corner also being a re-entrant corner of the said Morse Tract;

THENCE, along the south line hereof, also being the south line of the said 14.5886-acre tract and a north line of the said Morse tract for the following four (4) courses:

- (1) South 68-degrees 13-minutes 02-seconds East, 243.38-feet to an 1/2"- diameter steel pin found in the south fence line,
- (2) South 68-degrees 00-minutes 52-seconds East, 287.68-feet to an 1/2"-diameter steel pin found in the fence line,
- (3) South 68-degrees 18-minutes 22-seconds East, 249.72-feet to a 1/2"-diameter steel pin found in the fence line on the bank of a drainage way,

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FIELD NOTES FOR TRACT 3

9.324-ACRES

LI ZONING REQUEST

Page 2 of 2

- (4) South 55-degrees 40-minutes 50-seconds East, 37.38-feet to a 1/2"-diameter steel pipe found in at the center of a drainage way, also being the southeast corner hereof, the southeast corner of the said 14.5886-acre tract, and the southwest corner of Lot 1, Springdale Road Commercial II, a subdivision of record in Plat Book 79, Page 46, of the Plat Map Records of Travis County, Texas;

THENCE, along the east line hereof, also being the east line of the said 14.5886-acre tract, the west line of the said Lot 1, Springdale Road Commercial II, and the centerline of drainage easement to the Texas Department of Transportation, of record in Volume 663, Page 182 of the Real Property Records of Travis County, Texas, for the following three (3) courses:

- (1) North 13-degrees 54-minutes 42-seconds West, 73.24-feet to a 3/8" diameter steel pin found at an angle point hereof,
- (2) North 18-degrees 05-minutes 22-seconds East, 183.26-feet to a 3/8" diameter steel pin found at an angle point in the east property line, also being the southwest corner of Tract 1, Springdale Road Commercial 2, a subdivision of record in Plat Book 78, Page 194, of the Plat Map Records of Travis County, Texas,
- (3) North 17-degrees 19-minutes 09-seconds East, 467.39-feet to an 1/2"-diameter steel pin at the northeast corner hereof;

THENCE, into the interior of the said 14.5886-acre tract, along the north line hereof, for the following six (6) courses:

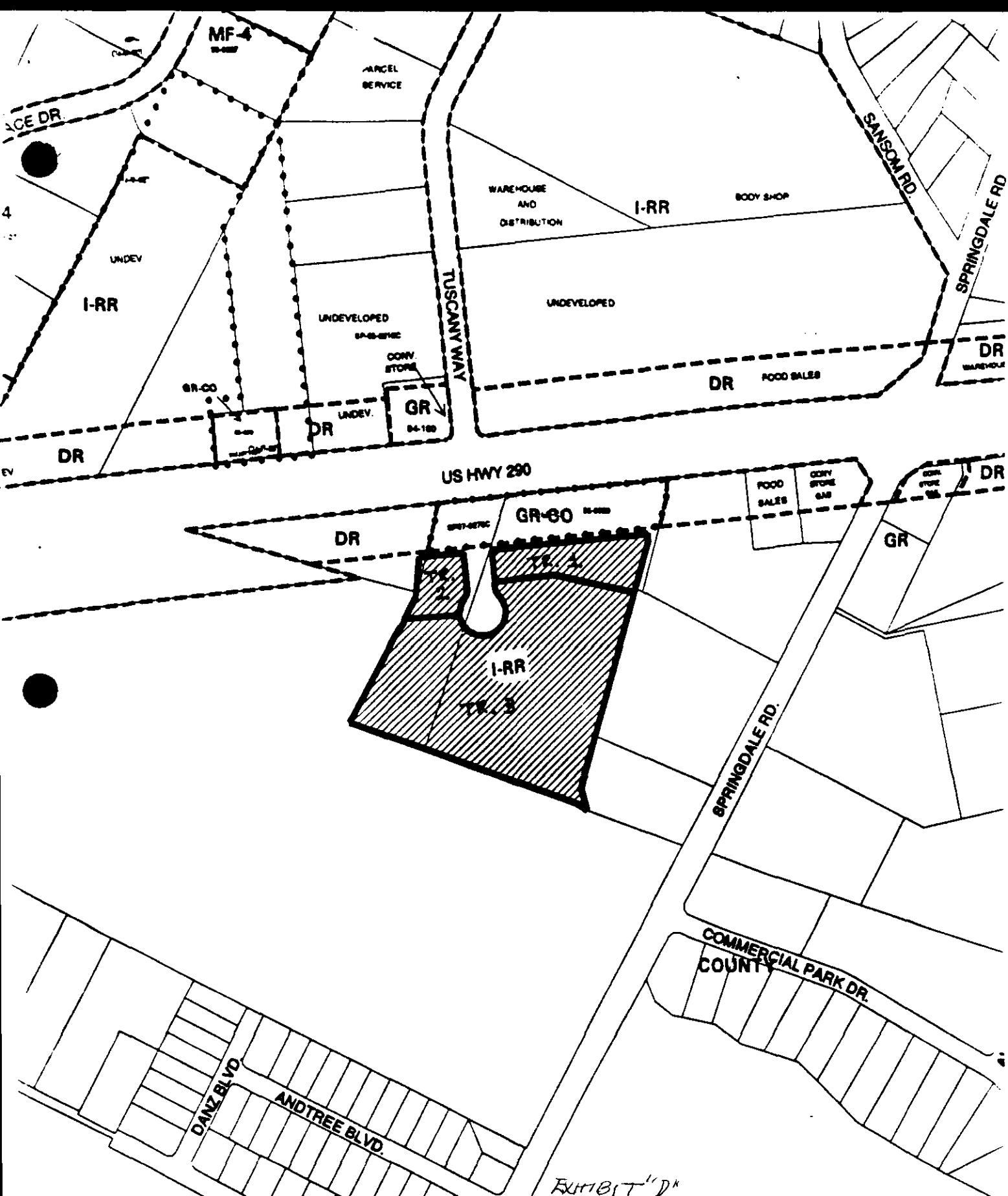
- (1) North 75-degrees 39-minutes 46-seconds West, 263.07-feet,
- (2) South 86-degrees 38-minutes West, 200-feet,
- (3) South 03-degrees 22-minutes West, 15-feet, to the PC of a curve to the left,
- (4) Along a curve to the left, said curve having a central angle of 41-degrees 24-minutes 35-seconds, a radius of 45-feet, an arc length of 32.52-feet, and a chord which bears South 24-degrees 04-minutes 18-seconds East, 31.82-feet to the point of reverse curvature of a curve to the right,
- (5) Along a curve to the right, said curve having a central angle of 219-degrees 40-minutes 35-seconds, a radius of 75-feet, an arc length of 287.57-feet, and a chord which bears South 65-degrees 03-minutes 56-seconds West, 141.10-feet,
- (6) South 88-degrees 34-minutes 16-seconds West, 177.14-feet to an iron pin found at the northwest corner hereof, and the POINT OF BEGINNING, hereof, and containing in all 9.324-acres of land, more or less.

As surveyed on the ground, March 12, 1997.
Charles D. Primeaux, R.P.S. License No. 3763

Charles D. Primeaux



980122-D



ZONING

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: I.NARANJO

CASE #: C14-97-0111

ADDRESS: E. US HWY 290 AND
TUSCANY WAY
SUBJECT AREA (acres): 11.448

DATE: 97-08

INTLS: TRC

CITY GRID
REFERENCE
NUMBER

N27

980122-D

290/TUSCANY BUSINESS PARK

EXHIBIT FOR ZONING

CURVE DATA

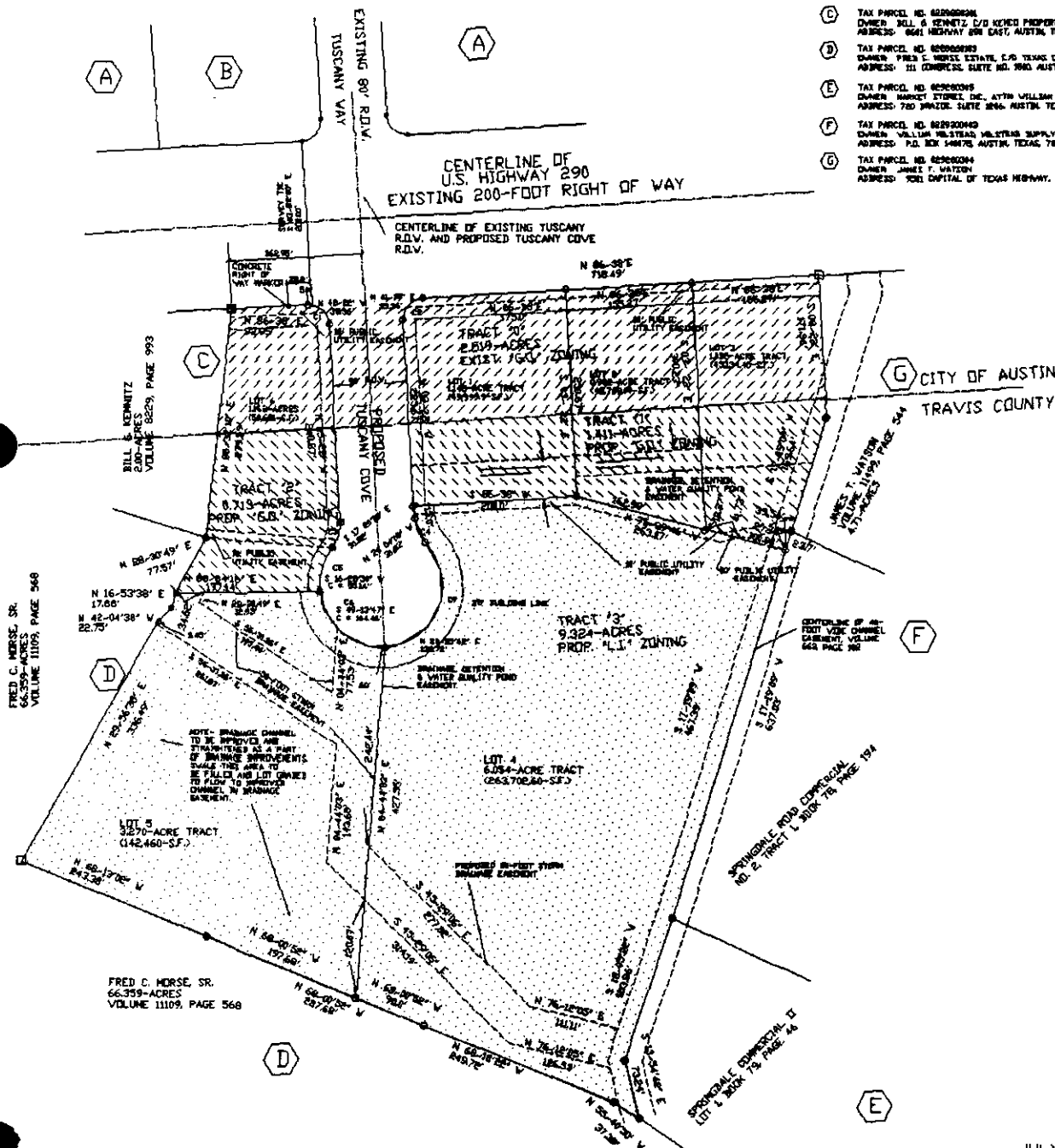
NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	TANGENT
C1	90-00'00"	250.0'	39.27'	35.36'	N 48-22' W	250.0'
C2	90-00'00"	250.0'	39.27'	35.36'	N 41-38' E	250.0'
C3	41-24'35"	45.0'	32.52'	31.82'	S 17-20'18" E	17.01'
C4	41-24'35"	45.0'	32.52'	31.82'	N 24-04'18" W	17.01'
C5	43-08'09"	75.0'	56.47'	55.14'	S 16-28'30" W	-
C6	88-16'25"	75.0'	115.55'	104.46'	S 49-13'47" E	-
C7	131-24'34"	75.0'	172.02'	136.72'	N 20-55'42" E	-

LEGEND

- STEEL PIN FOUND
- STEEL PIN SET
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- BOUNDARY LINE
- EASEMENT LINE
- BUILDING LINE
- CITY LIMITS
- EXISTING G0 ZONED AREA
- PROPOSED G0 ZONED AREA
- PROPOSED LI ZONED AREA

ADJOINING PROPERTY OWNERS INFORMATION

- (A) TAX PARCEL NO. 822900000
OWNER: LORAIN LAND COMPANY C/O MORRIS STEVENS
ADDRESS: 804 MELAN BUILDING SAN ANTONIO TEXAS 78205-1404
- (B) TAX PARCEL NO. 822900006
OWNER: SAFARIANS SECURITY SERVICES INC. C/O BRY FRENCH
ADDRESS: P.O. BOX 175760 SAN ANTONIO TEXAS 78217-0260
- (C) TAX PARCEL NO. 822900000
OWNER: BILL & KENNETH D/O KENED PROPERTIES
ADDRESS: 6641 HIGHWAY 290 EAST AUSTIN TEXAS 78704-0449
- (D) TAX PARCEL NO. 822900000
OWNER: FRED C. MORSE ESTATE C/O TEXAS COMMERCE BANK C/O SCOTT MORSE
ADDRESS: 311 COMMERCE SUITE NO. 300 AUSTIN TEXAS 78701
- (E) TAX PARCEL NO. 822900005
OWNER: MARKET STORE, INC. ATTN: WILLIAM P. SEDGE
ADDRESS: 780 BRAZOS SUITE 200 AUSTIN TEXAS 78701
- (F) TAX PARCEL NO. 822900040
OWNER: VILLAGE VILLAGES VILLAGE SUPPLY COMPANY
ADDRESS: P.O. BOX 54070 AUSTIN TEXAS 78754-0070
- (G) TAX PARCEL NO. 822900044
OWNER: JAMES T. VATTSON
ADDRESS: 7001 CAPITAL OF TEXAS HIGHWAY, SUITE 300 AUSTIN TEXAS 78705



JULY 30, 1997
SHEET 1 OF 1

SUBDIVISION FILE NO. C8 97 0164.1C

980122-D

Austin American-Statesman

PO#: 980122D
Ad ID#: 22M401300
Acct#: 5124992499
Account Name: CITY CLERKS OFFICE

CITY CLERKS OFFICE
PO BOX 1088
AUSTIN, TX 78767

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,
State of Texas, on this day personally appeared:

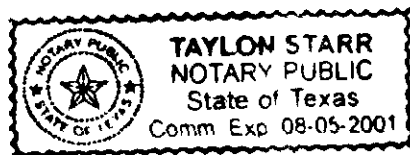
SHARON JANAK

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper
published in said County and State that is generally circulated in Travis, Hays, Burnet
and Williamson Counties, who being duly sworn by me, states that the attached
advertisement was published in said newspaper on the following dates, to wit:

First Published:	2/5/98	Last Published:	2/5/98
Times Published:	1	Classification:	9980
Lines:	24	Cost:	\$62.88

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 5th day of Feb 1998



Taylor Starr
Notary Public in and for
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541

ORDINANCE NO. 980122-D

AN ORDINANCE REZONING AND
CHANGING THE ZONING MAP AC-
COMPANYING CHAPTER 13-2 OF
THE CITY CODE AS FOLLOWS:
THREE TRACTS OF LAND, CONSIST-
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DISTRICT-CONDITIONAL OVERLAY
COMBINING DISTRICT, AND "LI-
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DISTRICT-CONDITIONAL OVERLAY
COMBINING DISTRICT, LOCALLY
KNOWN AS THE PROPERTY LOCATED
IN THE VICINITY OF U.S. HIGHWAY
290 EAST AND TUSCANY WAY, IN THE
CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS.

Mayor, Kirk Watson
City of Austin